

Serial No. 09/874,801

PART 1 -- Clean Form of Replacement or Added Paragraphs in the Specification Per 37 CFR §1.121(b)(1)(i) and (ii)

Please replace paragraph 0033 on page 10 at lines 4-18 with the following paragraph:

Q [0033] The moisture and condensation barrier 236 may be coated onto only part of the surfaces of the wood boards 244, as shown in Figs. 6-9, or may cover the entire surfaces of the wood boards 244, as shown in Figs. 10 and 11. Generally, the moisture and condensation barrier 236 is coated at least onto one side and the tongues 246 and grooves 248 of the wood boards 244, as shown in Figs. 7 and 9. If coated onto only one side, the moisture and condensation barrier 236 may be either on the bottom side 250, as shown in Fig. 7, or top side 252, as shown in Fig. 9, of the wood boards 244 when installed in the wood subfloor 238 (Figs. 4-6 and 8). Coverage of the tongues 246 and grooves 248 by the moisture and condensation barrier 236 ensures that the joints between the wood boards 244, when the tongues 246 and grooves 248 are forced together, are relatively impenetrable by moisture. Moisture-resistant tape or other joint-sealing products (not shown) are generally used to seal the joints between the wood boards 244 to further enhance the moisture impenetrability of the joints. Additionally, in some embodiments, the moisture and condensation barrier 236 is preferably coated to the wood boards 244 to form an elastomeric membrane prior to installation of the wood boards 244 in the wood subfloor 238 (such as in a factory).

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PART 3 -- Pending Claims in Clean Form

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28. (New) A building construction material for use as a barrier to moisture penetration in a portion of a building structure, comprising:

a wood board; and

a moisture barrier comprising a liquid rubberized coating material coated onto the wood board and forming a barrier to moisture penetration from a portion of the building structure exposed to moisture.

29. (New) A building construction material as defined in claim 28 wherein the portion of the building structure includes a floor of the building structure.

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30. (New) A building construction material as defined in claim 28 wherein the moisture barrier of the building structure comprises an elastomeric membrane.

31. (New) A building construction material as defined in claim 28 wherein the moisture barrier bars moisture penetration from the moisture exposed portion of the building structure to a dry portion of the building structure.

32. (New) A building construction material as defined in claim 31 wherein the moisture exposed portion of the building structure is at least periodically subject to moisture conditions and the dry portion is intended to be kept dry from moisture conditions.

33. (New) A building construction material as defined in claim 28 wherein the rubberized coating material is coated onto at least one coated side of the wood board and the wood board is placed in the portion of the building structure with the coated side facing the moisture exposed portion of the building structure.

34. (New) A building construction material as defined in claim 28 wherein the building structure includes an interior space at least partially defined by the portion of the building structure, the rubberized coating material is coated onto at least a first side of the wood board opposite a second side of the wood board, and the wood board is placed in the portion of the building structure with the second side facing the interior space of the building structure.

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35. (New) A building construction material as defined in claim 34 wherein the rubberized coating material has a thickness sufficient to resist deterioration due to exposure to a range of temperature conditions.

36. (New) A building construction material as defined in claim 28 wherein the rubberized coating material has a thickness sufficient to resist deterioration due to exposure to a range of environmental conditions.

37. (New) A building construction material for use as a barrier to moisture penetration in a building structure, comprising:

a wood board; and

a moisture barrier comprising an elastomeric membrane which is coated onto at least three sides of the wood board and forming a barrier to moisture penetration from a portion of the wood board exposed to moisture to a dry portion thereof.

38. (New) A building construction material as defined in claim 37 wherein the wood board has a generally elongated cubicle shape with six sides, and the elastomeric membrane is a liquid rubberized coating material which is coated onto at least five sides of the wood board.

39. (New) A building construction material as defined in claim 37 wherein the liquid rubberized coating material of the moisture barrier is coated onto all six sides of the wood board.

40. (New) A building construction material for use as a barrier to moisture penetration in a building structure, comprising:

a wood board; and

a moisture barrier comprising a liquid rubberized coating material coated onto the wood board and forming a barrier to moisture penetration into the wood board.

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PART 2 – Marked Up Version of Replacement Paragraphs in the Specification Per 37 CFR §1.121(b)(1)(iii)

With regard to paragraph 0033 **replaced** on page 10 at lines 4-18:

[0033] The moisture and condensation barrier 236 may be coated onto only part of the surfaces of the wood boards 244, as shown in Figs. 6-9, or may cover the entire surfaces of the wood boards 244, as shown in Figs. 10 and 11. Generally, the moisture and condensation barrier 236 is coated at least onto one side and the tongues 246 and grooves 248 of the wood boards 244, as shown in Figs. 7 and 9. If coated onto only one side, the moisture and condensation barrier 236 may be either on the bottom side 250, as shown in Fig. 7, or top side 252, as shown in Fig. 9, of the wood boards 244 when installed in the wood subfloor 238 (Figs. 4-6 and 8). Coverage of the tongues 246 and grooves 248 by the moisture and condensation barrier 236 ensures that the joints between the wood boards 244, when the tongues 246 and grooves 248 are forced together, are relatively impenetrable by moisture. Moisture-resistant tape or other joint-sealing products (not shown) are generally used to seal the joints between the wood boards 244 to further enhance the moisture impenetrability of the joints. Additionally, in some embodiments, the moisture and condensation barrier 236 is preferably coated to the wood boards 244 to form an elastomeric membrane prior to installation of the wood boards 244 in the wood subfloor 238 (such as in a factory).

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PART 4 – Pending Claims with Markings and Indications to Show New Changes

28. (New) A building construction material for use as a barrier to moisture penetration in a portion of a building structure, comprising:

a wood board; and

a moisture barrier comprising a liquid rubberized coating material coated onto the wood board and forming a barrier to moisture penetration from a portion of the building structure exposed to moisture.

29. (New) A building construction material as defined in claim 28 wherein the portion of the building structure includes a floor of the building structure.

30. (New) A building construction material as defined in claim 28 wherein the moisture barrier of the building structure comprises an elastomeric membrane.

31. (New) A building construction material as defined in claim 28 wherein the moisture barrier bars moisture penetration from the moisture exposed portion of the building structure to a dry portion of the building structure.

32. (New) A building construction material as defined in claim 31 wherein the moisture exposed portion of the building structure is at least periodically subject to moisture conditions and the dry portion is intended to be kept dry from moisture conditions.

33. (New) A building construction material as defined in claim 28 wherein the rubberized coating material is coated onto at least one coated side of the wood board and the wood board is placed in the portion of the building structure with the coated side facing the moisture exposed portion of the building structure.

34. (New) A building construction material as defined in claim 28 wherein the building structure includes an interior space at least partially defined by the portion of the building structure, the rubberized coating material is coated onto at least a first side of the wood board opposite a second side of the wood board, and the wood board is placed in the portion of the building structure with the second side facing the interior space of the building structure.

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35. (New) A building construction material as defined in claim 34 wherein the rubberized coating material has a thickness sufficient to resist deterioration due to exposure to a range of temperature conditions.

36. (New) A building construction material as defined in claim 28 wherein the rubberized coating material has a thickness sufficient to resist deterioration due to exposure to a range of environmental conditions.

37. (New) A building construction material for use as a barrier to moisture penetration in a building structure, comprising:

a wood board; and

a moisture barrier comprising an elastomeric membrane which is coated onto at least three sides of the wood board and forming a barrier to moisture penetration from a portion of the wood board exposed to moisture to a dry portion thereof.

38. (New) A building construction material as defined in claim 37 wherein the wood board has a generally elongated cubicle shape with six sides, and the elastomeric membrane is a liquid rubberized coating material which is coated onto at least five sides of the wood board.

39. (New) A building construction material as defined in claim 37 wherein the liquid rubberized coating material of the moisture barrier is coated onto all six sides of the wood board.

40. (New) A building construction material for use as a barrier to moisture penetration in a building structure, comprising:

a wood board; and

a moisture barrier comprising a liquid rubberized coating material coated onto the wood board and forming a barrier to moisture penetration into the wood board.